

PATENT

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Valerie Frankard et al.

**Examiner:** Kumar, Vinod

**Serial No.:** 10/583,212

**Group:** 1638

**Filed:** November 22, 2006

**Docket:** 1187-30

**For:** **PLANTS HAVING MODIFIED  
GROWTH CHARACTERISTICS  
AND METHOD FOR MAKING  
THE SAME**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

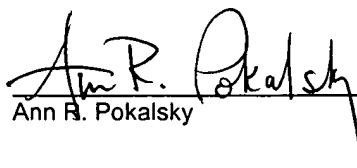
In response to the Restriction Requirement of August 29, 2008, and in accordance with the provisions of 37 C.F.R. §§1.111 and 1.143, Applicants elect Group IX, Claims 4-14, with traverse, drawn to a method comprising introducing and expressing in a plant an isolated nucleic acid sequence encoding GRUBX protein, or wherein said improved growth characteristics is increased yield or modified plant architecture. Applicants also elect SEQ ID NO:1 and SEQ ID NO:2 as the one nucleic acid sequence and its encoded protein with the elected Group IX claims.

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450 on October 29, 2008.

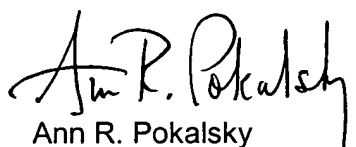
Dated: October 29, 2008

  
Ann R. Pokalsky

The restriction/election requirement is traversed for the following reasons. The single inventive technical feature linking the different groups is the previously unknown use of GRUBX molecule to improve plant growth characteristics, regardless of whether the use comprises increasing expression and/or activity and/or levels of the GRUBX molecule and regardless of whether the use is effected by site-directed mutagenesis, homologous recombination, TILLING and T-DNA activation or by any other method. Thus, Applicants respectfully request reconsideration of the restriction/election requirement and the rejoining of at least Groups I to IX.

Accordingly, reconsideration of the restriction requirement is earnestly solicited.

Respectfully submitted,

  
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